

ORDINANCE NO. A06-1

**AN ORDINANCE CREATING A NEW CHAPTER
OF THE CODE OF BRIDGEVILLE PROHIBITING
ADULT REGISTERED SEXUAL OFFENDERS
FROM RESIDING WITHIN CERTAIN AREAS OF
THE TOWN OF BRIDGEVILLE, DELAWARE**

WHEREAS, the State of Delaware has established a system of registering persons convicted of sex offenses, and as part of that system have placed certain restrictions upon such persons; and

WHEREAS, the Commissioners of the Town of Bridgeville believe that the system of notification of the residence of sex offenders is not adequate to safeguard the safety and welfare of the residents of Bridgeville; and

WHEREAS, sex offenders pose a high risk of engaging in further offenses; and

WHEREAS, preventing further offenses by sex offenders is difficult because of the nature of the crimes, as the victims are often incapable of protecting themselves; and

WHEREAS, the Commissioners believe that placing limited restrictions on the places where sex offenders may reside within the Town of Bridgeville will protect potential victims thereby promoting the health and safety of the residents of Bridgeville.

**NOW, THEREFORE, THE COMMISSIONERS OF BRIDGEVILLE HEREBY
ORDAIN:**

A new Chapter shall be added to the Code of the Town of Bridgeville, as follows:

RESTRICTIONS ON RESIDENCY OF REGISTERED SEX OFFENDERS

Section 1. Definitions.

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

CHILD CARE FACILITY – a licensed day care center, licensed child care facility or any other child care services facility exempt from licensing pursuant to the laws of the State of Delaware.

PARK – any land, or tract of land, or facility used to passive or active recreation, including but not limited to playgrounds, parks, skate parks, athletic fields, or any other facility owned or operated by the Town of Bridgeville, Sussex County, or the State of Delaware.

SCHOOL – any preschool, kindergarten, elementary school, secondary school, vocational technical school or any other institution which has as its primary purpose the education or instruction of children under 16 years of age.

SEXUAL OFFENDER – any person over the age of eighteen (18) who is registered as a sex offender pursuant to Title 11, Chapter 41, Subchapter III of the Code of Delaware.

Section 2. Residency Restrictions.

It shall be unlawful for any sex offender to reside, lodge, abide or live within 2,500 feet of any school, park, or child care facility located within the Town of Bridgeville. The 2,500 foot distance shall be measured by following a straight line from the outer property line of the residence or lodging of the sex offender to the nearest outer property line of the school park, or child care facility.

Section 3. Penalties.

The Town shall notify any person who is in violation of this ordinance and the person shall have sixty (60) days to comply with this ordinance. The person shall be deemed to have been notified of the violation when he or she has been personally delivered written notice by an agent of the Town, including the Town Building Official, the Bridgeville Police, or an agent designated by the Town Manager. If the person does not comply with this ordinance within the sixty (60) days, he or she will be in violation of this ordinance. The penalty for a violation shall be punishable by imprisonment for a term not exceeding ninety (90) days and a fine not exceeding \$1,000, or both. The Town may elect to pursue civil remedies, including injunctive relief.

Section 4. Exceptions.

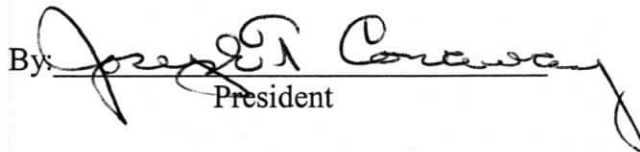
This ordinance shall not apply to any sex offender who has established a residence prior to the date of adoption of this ordinance, and shall not apply if the school, park, or child care facility was established subsequent to the establishment of the sex offender's residence.

Section 5. Severability.

The provisions of this ordinance are severable. If any section, clause, sentence, part, or provision of this ordinance shall be determined to be illegal or invalid by any court of competent jurisdiction, such decision shall not impair or affect the remaining terms, sections, and clauses of this ordinance.

This ordinance shall become effective upon its adoption by a majority of all Commissioners.

COMMISSIONERS OF BRIDGEVILLE

By: 
President

Attest: 
Secretary

1st Reading: January 9, 2006
2nd Reading: February 6, 2006
Adopted: February 6, 2006

Synopsis

This ordinance prevents registered sex offenders from residing within 2,500 feet of any school, park, or child care facility within the Town of Bridgeville.